

Exhibit 2

Sheahan, Terrence

From: Sheahan, Terrence
Sent: Tuesday, March 25, 2008 5:07 PM
To: Sopuch III, John A.; 'Shawn M. Collins'
Cc: Jim Sotos; 'Ekl'; John Timbo; Vince Mancini; Sikes, Rich; Brodrick, Audrey L.
Subject: Furstenau discovery issues

Attachments: List.pdf

As you are aware, the City and certain Individual Defendants filed Motions to Dismiss the Third Amended Complaint in Furstenau v. City of Naperville, et al. Despite what you think about the merits of the motions, we all can agree that if the Court grants these motions, the bulk of this case will center around the incident in January 2006 and the police investigation of that incident. Given that there are over 24,000 emails (from 52 key custodians) that are responsive to the search that we ran using the agreed to search terms, production of email documents will have to be on a rolling basis. We also are in the process of identifying and gathering hard copies of documents responsive to your discovery requests. To keep this case moving and to begin to create a record relating to non-controversial issues in this case, I proposed in our phone conversations today that defendants begin producing all responsive documents relating to the people directly involved in the incident and the investigation as soon as those documents are reviewed by our attorneys. Attached is a list identifying those witnesses. If we structure discovery in this manner, the parties can begin to take depositions of non-controversial witnesses over the next several weeks. Apparently, you do not agree with our approach to structuring discovery in this manner.

Please note that Mayor Pradel is not on the attached list. I am cognizant of the fact that the Mayor was interviewed as part of the investigation and that you want to take his deposition. However, we believe that any deposition of the Mayor should not occur until after a ruling on the Motions to Dismiss. That way, if the motions are granted, the scope of such a deposition would be greatly reduced. Apparently, we cannot agree on this issue either.

I hope that you will reconsider your position relating to structuring discovery. Otherwise, we can include in our report to the Court that the parties disagree on this issue and defendants may be forced to file a motion with the Court to resolve this discovery issue.

Thanks,

-T.J.

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From: Sheahan, Terrence
Sent: Tuesday, March 25, 2008 3:33 PM
To: Sheahan, Terrence
Subject: List



List.pdf (15 KB)

Proposed First Round Depositions

City Employees

Ray Adkins- NPD

Timothy Cardella- Naperville employee who talked with Furstenau day of incident

James Goschey- placement of signs

Jamie Griffith- NPD

Robert Guerrieri- NPD

Wayne Gunther-NPD

Ken Keating-NPD

James Lawler-placement of signs

Steve Schindlebeck- NPD

Tom Sheehan- NPD

Timothy Starz- placement of signs

William Townsend- NPD

Gregg Waitkus- NPD

Witnesses to January 1, 2006 "incident"- non-city employees

Deborah Elam

Paul Hinterlong

Donald Feldott

Thomas Priz

Benjamin Drendel